

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	04-00139-01-CR-W-FJG
VINCENT A. RICE,	)	
	)	
Defendant.	)	

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on June 17, 2005. Defendant Vincent Rice appeared in person and with retained counsel James LaSalle. Defense counsel Patrick Peters appeared by telephone. The United States of America appeared by Assistant United States Attorney Bruce Rhoades.

**I. BACKGROUND**

On April 21, 2004, an eight-count indictment was returned charging defendant with conspiracy to distribute methamphetamine, conspiracy to distribute cocaine, possession with intent to distribute methamphetamine, possession with intent to distribute cocaine, possession of a firearm during and in relation to a drug trafficking crime, being an unlawful user or addict of a controlled substance in possession of a firearm, possession of an unregistered firearm, and possession of a stolen firearm, in

violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), 841(b)(1)(C), and 846; 18 U.S.C. §§ 922(g)(3), 922(j), 924(a)(2), and 924(c)(1)(A); and 26 U.S.C. §§ 5861(d) and 5871.

The following matters were discussed and action taken during the pretrial conference:

## **II. TRIAL COUNSEL**

Mr. Rhoades announced that he will be the trial counsel for the government. The case agent to be seated at counsel table will be Dan Davis, Metro Meth Task Force, or Neil Wilson, ATF.

Mr. Peters announced that he will be the trial counsel for defendant Vincent Rice, with James LaSalle to assist.

## **III. OUTSTANDING MOTIONS**

There are no pending motions in this case.

## **IV. TRIAL WITNESSES**

Mr. Rhoades announced that the government intends to call 57 witnesses without stipulations or 25 witnesses with stipulations during the trial.

Mr. Peters announced that defendant Vincent Rice intends to call 5 witnesses during the trial. The defendant may testify.

## **V. TRIAL EXHIBITS**

Mr. Rhoades announced that the government will offer approximately 55 exhibits in evidence during the trial.

Mr. Peters announced that defendant Vincent Rice will offer approximately 25 exhibits in evidence during the trial.

**VI. DEFENSES**

Mr. Peters announced that defendant Vincent Rice will rely on the defense of general denial.

**VII. POSSIBLE DISPOSITION**

Mr. Peters stated this case is definitely for trial.

**VIII. STIPULATIONS**

Stipulations are likely as to chain of custody, chemist's reports, and witnesses on facts.

**IX. TRIAL TIME**

Counsel were in agreement that this case will take 5 days to try.

**X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS**

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed December 3, 2004, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by June 17, 2005;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, June 22, 2005;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, June 22, 2005. Counsel are requested to provide

proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, 11.0, or 12.0.

**XI. UNUSUAL QUESTIONS OF LAW**

Motions in limine on Rule 404(b) evidence will probably be filed. There are no unusual questions of law.

**XII. TRIAL SETTING**

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on June 27, 2005. Both lawyers have a conflict on the first week of the trial docket, so this case must be tried on the second week of the docket.

*/s/ Robert E. Larsen*

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ROBERT E. LARSEN  
U. S. Magistrate Judge

Kansas City, Missouri  
June 27, 2005

cc: The Honorable Fernando J. Gaitan  
Mr. Bruce Rhoades  
Mr. Patrick Peters  
Mr. James LaSalle  
Mr. Jeff Burkholder